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1 Q. Now, where else -- you got that Bible as a wedding  
2 gift. Where else has that Bible gone with you?  
3 A. It's been wherever my workplace is. And that would be  
4 Idaho, China, wherever my workplace is.  
5 Q. Now, you related a story to me about the death of a  
6 friend --  
7 A. Yes.  
8 Q. -- and the significance of that Bible. Tell me about  
9 that.  
10 A. That was the death of a smoke jumper in a Colorado fire.  
11 Q. And how did that Bible become important to you at that  
12 moment?  
13 A. Because I had it then.  
14 Q. Is that the first Bible you had after that person's  
15 death?  
16 A. Yes.  
17 Q. Let's go to something a little lighter. I tried to find  
18 out why that Bible was so important to you, and you likened  
19 it to something that your daughter used to have. What was  
20 that?  
21 A. She was the only girl in the family that had to have a  
22 pacifier. Trying to take care of a pacifier in China was not  
23 easy, because they just don't use pacifiers over there. And  
24 it was a daily chore keeping her pacifier. But, anyway, we  
25 called it her ge-ge. My daughter would argue with me. She

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1 would says it's K-E-K-E. But I related to you it was kind of  
2 like my daughter's ge-ge. It's my inspiration, so I need to  
3 have it at my workplace.  
4 Q. Were you concerned that if that green Bible was gone  
5 from the workplace, what was your concern?  
6 A. That's my -- it would make a difference in my demeanor.  
7 Q. You told me you were going to try to get through this  
8 without tearing up. Are you tearing up now?  
9 A. Yeah.  
10 Q. What does mean, to have that Bible be an inspiration to  
11 you?  
12 A. Just that. Is it a good time for a break?  
13 Q. Almost. You stated here in your affidavit, Employee  
14 Exhibit No. 152, that "I could have 20 other Bibles around  
15 me. But it is that particular Bible for that particular  
16 place that makes me feel better."  
17 A. That's right.  
18 Q. Why are you concerned about your demeanor?  
19 A. Like I said, it's been sitting on my desk for 21 years.  
20 It's -- like I say, it's there. It could be buried. It  
21 could be on the bottom of the stack in a corner of my desk.  
22 I just know it's there.  
23 Q. Does it help you get through the day?  
24 A. Yes.  
25 Q. How so?

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1 A. It's my inspiration. Like I said, it's how I get  
2 through the day.  
3 Q. John, is that Bible there for anybody else but you?  
4 A. No, for me.  
5 MR. HAMILTON: Take a quick break.  
6 HEARING OFFICER: Yeah. Let's take ten minutes,  
7 and then we'll finish up.  
8 (A recess was taken from 3:13 p.m. to  
9 3:27 p.m.)  
10 HEARING OFFICER: Okay. Go back on the record and  
11 continue. We've got just a little bit over a half hour left  
12 here.  
13 Q. John, I'm handing you Employee Exhibit No. 153. Is that  
14 familiar to you?  
15 A. Yes, it is.  
16 Q. On page 51 of Employee Exhibit 148, the investigators  
17 asked you about Easter, Good Friday, things of that nature.  
18 Now, we've later come to learn that you have a better  
19 understanding now as to what you can say or not say about  
20 Friday and Good Easter (sic). Where did you learn those  
21 answers from?  
22 A. *Finding Common Ground*.  
23 Q. Now, I'm looking here on page 1, No. 4, of Employee  
24 Exhibit 153, and I understand that there was something unique  
25 about the lunar cycle that took place that year.

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1 A. Yeah. That year, 2007, 2008 -- 2008, Easter came as  
2 early as it could come. And that's determined by the vernal  
3 equinox with first full moon. It's an astronomical point.  
4 And it hasn't been around that way for around a hundred  
5 years, and it came that year. So Easter was real early, as  
6 early as it could be, and it was one of those things that it  
7 wouldn't happen again until 100, 150 years.  
8 Q. So it was a pretty rare event?  
9 A. Yes.  
10 Q. Now, there's been so much testimony here that -- did you  
11 try to talk or proselytize about Easter or Good Friday?  
12 A. No.  
13 Q. Now, when you told -- or I guess it says Mr. Short --  
14 this is the top of page 2. "Mr. Short asked how long the  
15 discussion about Easter was and I said a minute or two."  
16 Did you tell Mr. Short that you were telling them about  
17 the meaning of Easter or anything like that?  
18 A. No.  
19 Q. Did Mr. Short ask you if you were talking about the  
20 meaning of Easter?  
21 A. No.  
22 Q. Now, is it permissible for you to answer a student's  
23 question about Easter or Good Friday?  
24 A. Yes.  
25 Q. We later learned that Zach Dennis, I believe, or



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1 somebody said you said something about Good Friday should be  
2 called the greatest Friday ever. Did you say anything like  
3 that?

4 A. No.

5 Q. I'm handing you Employee Exhibit No. 154. Tell me if  
6 you're familiar.

7 A. Yes.

8 Q. And in Employee Exhibit 148 on pages 28, 42, and 52, you  
9 were asked about the establishment clause. And do you ever  
10 recall having any training on the school's policies?

11 A. No.

12 Q. Now, in 2003, Mr. Kuntz gave you something in connection  
13 with an evaluation. Is that correct?

14 A. That is correct.

15 Q. I want to talk in greater detail about that later. But

16 roughly how long was that meeting you had with Mr. Kuntz as  
17 best you recall?

18 A. Five minutes.

19 Q. And you put there in your affidavit, "As far as I know I  
20 just have to teach objectively." Is that your understanding?

21 A. Yes. Yes.

22 Q. Do you try to teach objectively?

23 A. Yes.

24 Q. And then you go on to tell him about the class that you  
25 actually attended with David Daubenmire. Correct?

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1 A. Yes.

2 Q. And you make reference to the book *Finding Common*  
3 *Ground*, which is Employee Exhibit No. 70.

4 A. Yes.

5 Q. I'm handing you Employee Exhibit No. 155. Are you  
6 familiar?

7 A. Yes.

8 Q. On page 53 of Employee Exhibit 148, you were asked have  
9 you ever had students memorize Bible verses for extra credit,  
10 and you actually had told them no during the interview. But  
11 you actually added in something about your own kids in the  
12 affidavit, and that would be what?

13 A. That I don't even have my own kids memorize Bible  
14 verses.

15 Q. And you went on and elaborated as best you knew at the  
16 time about an extra credit assignment called or the movie  
17 called *Expelled*. When you made the assignment for extra  
18 credit of the movie *Expelled*, did you believe it was  
19 permissible according to the academic content standards?

20 A. Yes. I opened up the content standards, the academic  
21 content standards, and I copied right off of 216.

22 Q. And why was that particular movie of scientific  
23 interest?

24 A. How often do you see a documentary in science on the big  
25 screen? I don't know if I can think of a -- it's the first

1 I can think of one hitting the big screen that would be a  
2 documentary, and it fit the standard. I saw some of the  
3 previews. I'm trying to think of the word for it -- of it,  
4 and it looked like it fit the standards very well on 216.

5 Q. Did you believe it was an appropriate extra credit  
6 assignment?

7 A. Yes.

8 Q. And you didn't make it a mandatory assignment?

9 A. No.

10 Q. Why?

11 A. At that time, Barb Spitzer, she was doing some extra  
12 credit for my kids in my class, and it was commented that it  
13 was a little unfair that all the kids didn't have the  
14 opportunity to get extra credit. I had some kids say some  
15 things.

16 Q. Did you consider that movie a current event as it  
17 relates to science?

18 A. Yes.

19 Q. Employee Exhibit 156. Are you familiar?

20 A. Yes, I am.

21 Q. Now, on page 20 of Employee Exhibit 148, you were asked  
22 about the formation or the creation of the FCA. Give us an  
23 understanding as to how the FCA and Cross Club came to be in  
24 existence at the Mount Vernon Middle School.

25 A. 17, 18 years ago, I was -- it was the old school, the

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1 old middle school. It was on Mulberry Street at the time.

2 I was in the office, and the principal, Mr. Kuntz, made a  
3 comment to me that he was going to send a couple students up  
4 to my room; they wanted to start up a Cross Club. Came up  
5 with that name, so they -- they that day came up and spoke to  
6 me. And I think I mentioned their names, Emily Rhoten and  
7 Brandenburg. They came up with a -- they wanted to use my  
8 classroom for FCA. They wanted me to be the facilitator of  
9 it. So I said yes, so my room became the FCA room.

10 And I remember the first three or four sessions of it --  
11 actually, I remember the first four or five sessions of it,  
12 there was a union rep that came in and sat and stayed for the  
13 whole thing and left. Never talked to me. In and out.  
14 I didn't think a whole lot of it.

15 Q. Back when this was first created, the Cross Club, was  
16 there any training given to you by Mr. Kuntz?

17 A. No.

18 Q. When's the first time that you received any training as  
19 it relates to the FCA?

20 A. In 2007 with Mr. Short.

21 Q. Okay. You mentioned in your affidavit somebody named  
22 Rachel Thrift and their involvement with the FCA. Explain  
23 that.

24 A. Rachel Thrift came through the middle school. She was a  
25 senior at the time. She was in charge of the high school FCA